

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 812

Introduced by Assembly Member Weber

February 26, 2015

An act to amend Section 52051.5 of the Education Code, relating to ~~school accountability~~; add Chapter 4 (commencing with Section 350) to Part 1 of Division 1 of Title 1 of the Education Code, relating to English proficiency.

LEGISLATIVE COUNSEL'S DIGEST

AB 812, as amended, Weber. ~~School accountability: Academic Performance Index. Pupils of limited English proficiency: assessments.~~

Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting an assessment of pupils who are English learners in order to determine the level of proficiency. Existing law requires each school district that has one or more pupils who are English learners, to assess the English language development of each pupil. Existing law requires this assessment to be conducted upon initial enrollment, and annually thereafter, during a period determined by the Superintendent of Public Instruction and the state board.

This bill would, notwithstanding the above provisions, require the department, on or before September 1, 2017, to develop an assessment tool to determine the proficiency level of pupils of limited English proficiency, as defined, and as determined by a survey the bill would require the Superintendent to develop and a local educational agency to administer, creating a state program, as provided. The bill would require the assessment to be conducted upon a pupil's initial enrollment,

in order to provide information to determine if the pupil is a pupil of limited English proficiency, and annually thereafter, during a period of time determined by the Superintendent and the state board. The bill would require the annual assessments to continue until the pupil is designated as English proficient, as provided.

By creating new duties for a local educational agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law, the Public Schools Accountability Act of 1999, requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index to measure the performance of schools and school districts, especially the academic performance of pupils. Existing law, for purposes of the act, requires all references to schools to include charter schools.~~

~~This bill would make a nonsubstantive change to the provision requiring all references to schools to include charter schools.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 4 (commencing with Section 350) is
- 2 added to Part 1 of Division 1 of Title 1 of the Education Code, to
- 3 read:
- 4 350. For purposes of this chapter, “pupils of limited English
- 5 proficiency” means pupils who do not have the clearly developed
- 6 English language skills of comprehension, speaking, reading, and
- 7 writing necessary to receive instruction in English at a level
- 8 substantially equivalent to pupils of the same age or grade whose
- 9 primary language is English.
- 10 350.1. (a) On or before September 1, 2016, the Superintendent,
- 11 in consultation with the department, shall develop a survey for

1 *local educational agencies that identifies the number of pupils*
2 *identifiable as pupils of limited English proficiency.*

3 *(b) Local educational agencies shall develop a process to*
4 *annually administer the surveys of pupils at the beginning of each*
5 *school year. At a minimum, local educational agencies shall survey*
6 *the pupils who meet any of the following criteria:*

7 *(1) Scores in the lowest achievement levels on the Smarter*
8 *Balanced Assessment System summative and interim assessments.*

9 *(2) Receives less than a passing grade on one or more*
10 *consecutive progress and report cards in English language arts*
11 *courses.*

12 *(3) Is identified by teachers or faculty members as a candidate*
13 *who may meet one or more of the criteria in paragraphs (1) or*
14 *(2).*

15 *350.2. (a) On or before January 1, 2017, the department, in*
16 *consultation with local educational agencies, shall develop a study*
17 *on best practices for providing instruction to pupils of limited*
18 *English proficiency, and shall provide this study to members of*
19 *the Legislature, the Office of the Legislative Analyst, and the*
20 *Governor. The study shall include, but not be limited to,*
21 *information relating to all of the following:*

22 *(1) Existing state and local programs.*

23 *(2) Effective pedagogical and instructional methods for pupils*
24 *of limited English proficiency.*

25 *(3) Professional development and training needs for teachers*
26 *who would be likely to provide instruction to pupils of limited*
27 *English proficiency.*

28 *(b) (1) The study required to be submitted to the Legislature*
29 *pursuant to subdivision (a) shall be submitted in compliance with*
30 *Section 9795 of the Government Code.*

31 *(2) This section shall become inoperative on January 1, 2021,*
32 *pursuant to Section 10231.5 of the Government Code.*

33 *350.3. (a) Notwithstanding any other law, including Article 3.5*
34 *(commencing with Section 313) of Chapter 3, on or before*
35 *September 1, 2017, the department shall develop an assessment*
36 *tool to determine the proficiency level of pupils of limited English*
37 *proficiency identified through the survey process, pursuant to*
38 *Section 350.1, for purposes of identifying an adequate method of*
39 *instruction for these pupils.*

1 (b) The department, with the approval of the state board, shall
2 establish procedures for conducting the assessment required
3 pursuant to subdivision (a) and for the designation of a pupil of
4 limited English proficiency to English proficient.

5 350.4. (a) Notwithstanding any other law, including Article 3.5
6 (commencing with Section 313) of Chapter 3, commencing with
7 the 2018–19 school year, the assessment shall be conducted upon
8 initial enrollment, in order to provide information to determine if
9 the pupil is a pupil of limited English proficiency, and annually
10 thereafter during a period of time determined by the Superintendent
11 and the state board. The annual assessments shall continue until
12 the pupil is designated as English proficient pursuant to Section
13 350.5.

14 (b) The assessments conducted pursuant to this section shall be
15 conducted in a manner consistent with federal statutes and
16 regulations.

17 350.5. Notwithstanding any other law, including Article 3.5
18 (commencing with Section 313) of Chapter 3, the Superintendent
19 shall develop a procedure to designate a pupil of limited English
20 proficiency as English proficient. The designation procedure
21 developed by the Superintendent shall utilize multiple criteria in
22 determining whether to designate a pupil as proficient in English,
23 including, but not limited to, all of the following:

24 (a) Assessment of language proficiency using an objective
25 assessment instrument.

26 (b) Teacher evaluation, including, but not limited to, a review
27 of the pupil's curriculum mastery.

28 (c) Parental opinion and consultation.

29 (d) Comparison of the performance of the pupil in basic skills
30 against an empirically established range of performance in basic
31 skills based upon the performance of English proficient pupils of
32 the same age, that demonstrates whether the pupil is sufficiently
33 proficient in English to participate effectively in a curriculum
34 designed for pupils of the same age.

35 350.6. This chapter does not preclude a school district or county
36 office of education from testing pupils of limited English
37 proficiency more than once in a school year if the school district
38 or county office of education chooses to do so.

39 SEC. 2. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. Section 52051.5 of the Education Code is~~
5 ~~amended to read:~~

6 ~~52051.5. For purposes of this chapter, all references to schools~~
7 ~~shall also include charter schools.~~

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10 CORRECTIONS:

11 Text—Page 2.

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